

AMENDED IN ASSEMBLY JUNE 9, 1998

AMENDED IN ASSEMBLY JUNE 25, 1997

AMENDED IN SENATE MAY 14, 1997

AMENDED IN SENATE APRIL 9, 1997

**SENATE BILL**

**No. 1336**

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**Introduced by Senator Thompson**

February 28, 1997

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An act to add Article ~~17.5~~—17 (commencing with Section 8585) to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1336, as amended, M. Thompson. Commercial fishing: rockfish: license stamps.

(1) *Existing law declares that the need to conserve, utilize, and manage the state's marine fish resources warrant exploring the feasibility of developing and implementing comprehensive fishery management plans.*

*This bill would enact the Rockfish Research Conservation and Management Act. The bill would require the Department of Fish and Game to review existing state, federal, and academic research on nearshore fish stocks, as defined in the bill, and would require the department, on or before January 1, 2002, to submit a nearshore fisheries management plan to the Fish and Game Commission for adoption. The bill would specify the contents of the plan.*

*The bill would also require the Director of Fish and Game to appoint a Nearshore Fisheries Advisory Committee consisting of 11 members, as provided, to assist the department with reviewing information on nearshore fish stocks and to review project and program proposals to be funded from the Nearshore Fisheries Account, which would be created by the bill, in the Fish and Game Preservation Fund. The bill would continuously appropriate money in the account to the department to carry out the nearshore fisheries management plan and for other purposes, as specified in the bill.*

*(2) Existing law requires any person who takes or lands fish for commercial purposes to obtain a commercial fishing license, as specified.*

*The bill would make it unlawful to take, possess, or land any species of nearshore fish stocks within nearshore waters, as defined in the bill, for commercial purposes unless that person holds a valid commercial fishing license and holds a valid nearshore fishing permit, or is aboard a registered vessel and the owner or operator of that vessel holds a valid nearshore fishing permit. The bill would also make the use of a vessel to engage in those activities unlawful unless the vessel is registered and the owner or operator of the vessel holds a valid nearshore fishing permit. The bill would require the department to issue or renew a nearshore fishing permit to an applicant upon payment of an annual fee of \$100 to the department. Under the bill, moneys collected from the fee would be deposited in the Nearshore Fisheries Account.*

*The bill would also prohibit specified fish taken pursuant to a commercial fishing license from being possessed, sold, or purchased unless the fish exceeds the minimum length specified in the bill for that fish.*

*Under the bill, these provisions would become inoperative upon the adoption of a fishery management plan for nearshore fish stocks.*

*(3) The bill would provide that if AB 1241 is enacted and becomes law on or before January 1, 1999, the provisions governing the nearshore fisheries management plan and the advisory committee would not become operative. —Existing law requires any person who takes or lands fish for*

~~commercial purposes to obtain a commercial fishing license and, for certain fisheries, a permit or license stamp.~~

~~This bill would require the Department of Fish and Game to review state and federal research of rockfish stocks of the Sebastes complex and to report to the Legislature on or before January 1, 2000, its findings and recommendations, as specified. The bill would require the expenses of the department to perform the study and prepare the report to be paid from the Rockfish Account, created by the bill in the Fish and Game Preservation Fund. The funds in the account would be available for expenditure upon appropriation by the Legislature for purposes of the bill.~~

~~The bill would prohibit a person from taking rockfish of the Sebastes complex for commercial purposes or from being on board a vessel on which rockfish are taken for commercial purposes while rockfish are being taken or transported unless that person has a commercial rockfish stamp issued by the department affixed to his or her commercial fishing license. The bill would require the department to issue to any person holding a commercial fishing license a commercial rockfish stamp upon application therefor and payment of a fee in an unspecified amount. The bill would, notwithstanding the prohibition on obtaining more than one entitlement of a single type, authorize the department to issue an additional commercial rockfish stamp for a crewmember to the owner or operator of a vessel who holds a commercial rockfish stamp upon application and payment of an additional fee for the stamp. The additional stamp would authorize one crewmember to be aboard the vessel who does not have a commercial rockfish stamp without obtaining a commercial rockfish stamp under specified conditions. The bill would require the revenue from the fees to be deposited in the Rockfish Account.~~

~~The bill would also require the Director of Fish and Game to appoint a Rockfish Advisory Committee of specified membership to perform specified duties relating to the rockfish fishery, including reviewing project and program proposals to be funded from the Rockfish Account. The bill would require the members of the advisory committee to~~

~~serve without compensation and would make the terms of the members 2 years.~~

~~(2) Existing law requires any person who sells fish that person has taken or who buys fish from persons licensed to take fish for commercial purposes, including rockfish, to pay landing taxes in specified amounts. The revenue from the landing taxes are required to be deposited in the Fish and Game Preservation Fund.~~

~~This bill would require a supplemental landing tax on all rockfish landed in this state in an amount equal to the rate of the landing tax for rockfish established by that existing law to be paid in addition to that existing landing tax by each person who is licensed to receive fish for commercial purposes, as specified, who purchases rockfish from persons who are licensed commercial fishers. The bill would require the supplemental landing tax to be deposited into the Rockfish Account.~~

~~(3)–~~

~~(4) Existing law makes a violation of the requirements, prohibitions, and regulations adopted under the bill a crime. The bill would, thereby, impose a state-mandated local program by creating new crimes.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(4)–~~

~~(5) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to pay specified refunds *and*, to pay all necessary expenses incurred *by the department* in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish *and to the commission for the payment of compensation and expenses of commissioners and employees of the commission.*~~

~~This bill would make an appropriation by imposing new duties on the department *and the commission.*~~



Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

~~SECTION 1.—Article 17.5 (commencing with Section~~

*SECTION 1. Article 17 (commencing with Section  
8585) is added to Chapter 2 of Part 3 of Division 6 of the  
Fish and Game Code, to read:*

*Article 17. Nearshore Rockfish*

*8585. This article shall be known and may be cited as  
the Rockfish Research Conservation and Management  
Act.*

*8585.5. The Legislature finds and declares that  
important commercial and recreational fisheries exist on  
numerous stocks of rockfish (genus *Sebastes*), lingcod  
(genus *Ophiodon*), California sheephead (genus  
*Semicossyphus*), kelp greenling (genus *Hexagrammos*),  
cabezon (genus *Scorpaenichthys*), and scorpionfish  
(genus *Scorpaens*), in the nearshore state waters  
extending from the shore to one nautical mile offshore  
the California coast, that there is increasing pressure  
being placed on these fish from recreational and  
commercial fisheries, that many of these fish species  
found in the nearshore waters are slow growing and long  
lived, and that, if depleted, many of these species may  
take decades to rebuild. The Legislature further finds and  
declares that, although extensive research has been  
conducted on some of these species by the state and  
federal governments, there are many gaps in the  
information on these species and their habitats and that  
there is no program currently adequate for the systematic  
research, conservation, and management of nearshore  
fish stocks and the sustainable activity of recreational and  
commercial nearshore fisheries. The Legislature further  
finds and declares that a program for research and  
conservation of nearshore fish species and their habitats  
is needed, and that a management program for the*

1 nearshore fisheries is necessary. The Legislature further  
2 finds and declares that the commission and the  
3 department should be granted additional authority to  
4 regulate the commercial and recreational fishery to  
5 assure the sustainable populations of nearshore fish  
6 stocks. Lastly, the Legislature finds and declares that,  
7 whenever feasible and practicable, it is the policy of the  
8 state to assure sustainable commercial and recreational  
9 nearshore fisheries, to protect recreational opportunities,  
10 and to assure long-term employment in commercial and  
11 recreational fisheries.

12 8586. The following definitions govern the  
13 construction of this article:

14 (a) "Nearshore fisheries" means the commercial or  
15 recreational take or landing of any species of nearshore  
16 fish stocks within the nearshore waters of the state.

17 (b) "Nearshore fish stocks" means any of the following  
18 species: rockfish (genus *Sebastes*), lingcod (genus  
19 *Ophiodon*), California sheephead (genus  
20 *Semicossyphus*), kelp greenling (genus *Hexagrammos*),  
21 cabezon (genus *Scorpaenichthys*), and scorpionfish  
22 (genus *Scorpaens*).

23 (c) "Nearshore waters" means the ocean waters of the  
24 state extending from the shore to one nautical mile from  
25 land.

26 (d) "Optimum yield" means the amount of fish taken  
27 in a fishery that does all of the following:

28 (1) Provides the greatest continuous benefit to the  
29 people of California with respect to food production,  
30 economic return, and recreational opportunities,  
31 consistent with maintenance of sustainability and  
32 ecosystem integrity.

33 (2) Is the maximum sustainable yield of the fishery, as  
34 reduced by relevant economic, social, or ecological  
35 factors, including ecological safeguards, lack of essential  
36 fishery information, scientific uncertainty, natural  
37 variability, unpredictable recruitment, uncertainty  
38 regarding fishing effort, discard rates, survival of discards,  
39 data collection uncertainties, and any other factors that  
40 effect the calculation of fish productivity or abundance.

1 (3) *In the case of an overfished fishery, provides for*  
2 *rebuilding to a level consistent with producing optimum*  
3 *yield in that fishery.*

4 (e) *“Overfished” means the condition of a fishery that*  
5 *exhibits abundance levels that jeopardize the capacity of*  
6 *a fishery to produce the optimum yield on a continuing*  
7 *basis.*

8 (f) *“Sustainable” means both of the following:*

9 (1) *The continuous replacement of exploited*  
10 *resources.*

11 (2) *Securing the fullest possible range of present and*  
12 *long-term economic, social, and ecological benefits by*  
13 *maintaining ecosystem integrity and biological diversity,*  
14 *and in the case of fishery management based on*  
15 *maximum sustainable yield, taking in a fishery that does*  
16 *not exceed optimum yield.*

17 8586.1. (a) *In consultation with the southwest region*  
18 *of the National Marine Fisheries Service, the Pacific*  
19 *Fishery Management Council, the fishing industry, or the*  
20 *Nearshore Fisheries Advisory Committee established*  
21 *pursuant to Section 8586.2, the department shall review*  
22 *existing research conducted by the state and federal*  
23 *governments and any available information from*  
24 *academic research on the nearshore fish stocks of the*  
25 *state to determine the following:*

26 (1) *The necessity, if any, for further information,*  
27 *population assessments, or research regarding nearshore*  
28 *fish stocks and their habitats for the purpose of*  
29 *establishing a program for the research and conservation*  
30 *of these species in nearshore waters.*

31 (2) *Any measures necessary to manage the*  
32 *commercial and recreational fisheries on nearshore fish*  
33 *stocks to assure sustainable commercial and recreational*  
34 *harvests.*

35 (b) *The department shall undertake, or may contract*  
36 *with an academic or private institution to undertake, any*  
37 *research necessary to manage commercial and*  
38 *recreational fisheries on nearshore fish stocks to assure*  
39 *sustainable commercial and recreational harvests.*

1 (c) Funding to pay the costs of this section shall be  
2 made available from the Nearshore Fisheries Account  
3 created pursuant to Section 8589.7.

4 8586.2. (a) The director shall appoint a Nearshore  
5 Fisheries Advisory Committee consisting of 11 members,  
6 as follows:

7 (1) One member chosen from persons holding a valid  
8 sport fishing license issued pursuant to Section 7145 who  
9 is engaged in angling for fish in nearshore waters.

10 (2) One member chosen from persons holding a valid  
11 sport fishing license issued pursuant to Section 7145 who  
12 is engaged in diving for fish in nearshore waters.

13 (3) One member chosen from persons licensed  
14 pursuant to Section 7920 who operates a commercial  
15 passenger carrying vessel engaged in sport fishing in  
16 nearshore waters.

17 (4) Three members chosen from persons holding  
18 current commercial fishing licenses issued pursuant to  
19 Section 7852. Of these members, one shall be a person  
20 who fishes nearshore waters north of Point Arena, one  
21 shall be a person who fishes nearshore waters south of  
22 Point Conception, and at least one of the three members  
23 shall be engaged in the live fish fishery in nearshore  
24 waters.

25 (5) Three members chosen from scientists engaged in  
26 research on nearshore fish species, provided that not less  
27 than two members shall be from public or private  
28 academic institutions and one member may be employed  
29 by the department.

30 (6) One member chosen from a marine conservation  
31 organization whose members are not engaged in either  
32 the recreational or commercial fisheries.

33 (7) One member from the University of California Sea  
34 Grant Marine Advisory Program, if permitted by the  
35 Regents of the University of California.

36 (b) The Nearshore Fisheries Advisory Committee  
37 shall do both of the following:

38 (1) Review with the department, the current status of  
39 available information about nearshore fish stocks and  
40 their habitats.



1 (2) Review all department and privately submitted  
2 project or program proposals requesting funding from  
3 the Nearshore Fisheries Account and recommend to the  
4 department those projects or programs to be funded. In  
5 making funding decisions, the department shall consider  
6 the project selection priorities established by the advisory  
7 committee.

8 (c) The term of appointment for members of the  
9 advisory committee shall be three years. The advisory  
10 committee shall serve without compensation, but the  
11 department shall pay from the Nearshore Fisheries  
12 Account, the necessary and proper expenses of the  
13 members, if any, incurred in the performance of their  
14 official duties.

15 (d) The department shall adopt regulations as  
16 necessary to carry out this section.

17 8587. (a) No person shall take, possess, or land any  
18 species of nearshore fish stocks within nearshore waters  
19 for commercial purposes unless that person holds a valid  
20 commercial fishing license issued pursuant to Section  
21 7852 and holds a valid nearshore fishing permit, or is  
22 aboard a vessel currently registered pursuant to Section  
23 7881 and the registered owner or operator of that vessel  
24 holds a valid nearshore fishing permit.

25 (b) No vessel shall be used to take, possess, or land, any  
26 species of nearshore fish stocks in nearshore waters unless  
27 that vessel is currently registered pursuant to Section  
28 7881 and the registered owner or operator of the vessel  
29 holds a valid nearshore fishing permit.

30 (c) The department shall issue or renew a nearshore  
31 fishing permit to an applicant only upon payment to the  
32 department of an annual fee of one hundred dollars  
33 (\$100).

34 (d) Nearshore fishing permits are revocable and  
35 nontransferable.

36 (e) The department shall adopt regulations necessary  
37 to carry out this section, which may include a procedure  
38 to identify vessels whose owners have been issued  
39 nearshore fishing permits.

(f) This section shall remain in effect only until the adoption of a fishery management plan for nearshore fish stocks by the commission, and as of that date, is repealed. The commission shall notify the Office of Administrative Law at the time it adopts that plan.

8588. (a) Notwithstanding any other provision of this code or any regulation adopted by the commission, no fish listed under subdivision (b) taken pursuant to a commercial fishing license, shall be possessed, sold, or purchased unless it exceeds the specified minimum total length, and for cabezon is also below the specified maximum overall length, in the round or dressed with head-on, as established under subdivision (b).

(b) The minimum size limits and the maximum size limits where specified are as follows:

(a)	Black and yellow rockfish ( <i>Sebastes chrysomelas</i> )	10 in. or 254 mm
(b)	Gopher rockfish ( <i>Sebastes carnatus</i> )	10 in. or 254 mm
(c)	Kelp rockfish ( <i>Sebastes atrovirens</i> )	10 in. or 254 mm
(d)	California scorpionfish or sculpin ( <i>Scorpaena guttata</i> )	10 in. or 254 mm
(e)	Kelp greenling ( <i>Hexagrammos marmoratus</i> )	12 in. or 305 mm
(f)	Brown rockfish ( <i>Sebastes auriculatus</i> )	12 in. or 305 mm
(g)	China rockfish ( <i>Sebastes nebulosus</i> )	12 in. or 305 mm
(h)	Grass rockfish ( <i>Sebastes castrelliger</i> )	12 in. or 305 mm
(i)	California sheephead ( <i>Semicossyphus pulcher</i> )	12 in. or 305 mm
(j)	Cabezon ( <i>Scorpaenichthys marmoratus</i> )	14 in. or 356 mm
	Maximum size limit for Cabezon	24 in. or 610 mm
(k)	Lingcod ( <i>Ophiodon elongatus</i> )	24 in. or 610 mm

1 (c) The commission may adopt regulations to increase  
2 or decrease the size limits on an annual basis based on the  
3 best available scientific information.

4 (d) Regulations adopted by the commission pursuant  
5 to subdivision (c) shall only be adopted following public  
6 notice and not less than one public hearing.

7 (e) This section shall remain in effect only until the  
8 adoption of a fishery management plan for nearshore fish  
9 stocks by the commission, and as of that date, is repealed.  
10 The commission shall notify the Office of Administrative  
11 Law at the time it adopts that plan.

12 8589. (a) On or before January 1, 2002, the  
13 department shall submit to the commission a nearshore  
14 fisheries management plan. The plan shall be a  
15 comprehensive nearshore fisheries recovery and  
16 management plan and shall contain, but not be limited to,  
17 all of the following:

18 (1) A description of the number of vessels and  
19 participants involved, type and quantity of gear used,  
20 historical landings and trends in landings in the sport,  
21 commercial, and charter sectors, and a history of  
22 conservation and management regulations affecting the  
23 fishery.

24 (2) The natural history and population dynamics of the  
25 target species.

26 (3) The habitat for the fishery and threats to the  
27 habitat.

28 (4) The ecosystem role of the target species and the  
29 relationship of the fishery to the ecosystem role of the  
30 target species.

31 (5) A recommendation on the use of a commercial  
32 limited-entry program for nearshore fish stocks or other  
33 limited-access programs.

34 (6) A specific proposal to fund the plan. Where  
35 applicable, any fees levied on the commercial and  
36 recreational sectors shall be proportional to their  
37 respective impacts on the resource.

38 (7) Alternatives for creating conservation incentives  
39 among commercial and recreational fisheries.

1 (b) To the extent possible, the plan shall be fair and  
2 equitable to both the recreational and commercial  
3 sectors.

4 (c) Prior to completing the plan, the department shall  
5 review with the Nearshore Fisheries Advisory  
6 Committee created under Section 8586.2, the current  
7 status of available information about nearshore fish stocks  
8 and their habitats.

9 (d) Funding to prepare the plan and any planning and  
10 scoping meetings shall be derived from moneys in the  
11 Nearshore Fisheries Account.

12 (e) The plan shall be limited to nearshore fish stocks  
13 within nearshore waters.

14 8589.1. Prior to the commission's consideration of the  
15 nearshore fisheries management plan, the department  
16 shall provide a copy of the plan to the Senate Committee  
17 on Natural Resources and Wildlife, the Assembly  
18 Committee on Water, Parks and Wildlife, the Joint  
19 Committee on Fisheries and Aquaculture, and the  
20 Nearshore Fisheries Advisory Committee.

21 8589.3. (a) Following submission of the plan to the  
22 commission, the commission may adopt the plan and any  
23 regulations necessary for the implementation of the plan.

24 (b) Following adoption of the plan, the commission  
25 shall provide written notice to the Senate Committee on  
26 Natural Resources and Wildlife, the Assembly Committee  
27 on Water, Parks and Wildlife, the Joint Committee on  
28 Fisheries and Aquaculture, and the Nearshore Fisheries  
29 Advisory Committee.

30 (c) Regulations adopted by the commission pursuant  
31 to subdivision (a) shall only be adopted following public  
32 notice and not less than one public hearing.

33 8589.5. The commission shall temporarily suspend  
34 and may permanently revoke the nearshore fishing  
35 permit, commercial fishing license, sport fishing license,  
36 or any license issued pursuant to Section 8032, 8033, or  
37 8034 of any person convicted of a violation of this article.

38 8589.7. (a) Fees received by the department  
39 pursuant to Section 8587 shall be deposited in the  
40 Nearshore Fisheries Account, which is hereby created,

1 within the Fish and Game Preservation Fund.  
2 Notwithstanding Section 13340 of the Government Code,  
3 the moneys in the account are continuously  
4 appropriated, without regard to fiscal year, to the  
5 department to carry out the nearshore fisheries  
6 management plan and for the following purposes:

7 (1) For research and management of nearshore fish  
8 stocks and nearshore habitat. For the purposes of this  
9 section, “research” includes, but is not limited to,  
10 investigation, experimentation, monitoring, and analysis  
11 and “management” means establishing and maintaining  
12 a sustainable utilization.

13 (2) For supplementary funding of allocations for the  
14 enforcement of statutes and regulations applicable to  
15 nearshore fish stocks, including, but not limited to, the  
16 acquisition of special equipment and the production and  
17 dissemination of printed materials, such as pamphlets,  
18 booklets, and posters aimed at compliance with  
19 nearshore fishing regulations.

20 (3) For the direction of volunteer groups assisting with  
21 nearshore fish stocks and nearshore habitat management,  
22 for presentations of related matters at scientific  
23 conferences and educational institutions, and for  
24 publication of related material.

25 (b) The department shall maintain internal accounts  
26 that ensure that the fees received pursuant to Section  
27 8587 are disbursed for the purposes stated in subdivision  
28 (a). Not more than 20 percent of the fees received  
29 pursuant to Section 8587 shall be used for administration  
30 by the department.

31 (c) The commission shall require an annual  
32 accounting from the department on the deposits into, and  
33 expenditures from, the Nearshore Fisheries Account. A  
34 copy of the accounting shall be provided to the Nearshore  
35 Fisheries Advisory Committee.

36 (d) Unencumbered fees collected pursuant to Section  
37 8587 during any previous calendar year shall be expended  
38 for the purposes of subdivision (a). All interest and other  
39 earnings on the fees received pursuant to Section 8587

1 shall be deposited in the account and shall be used for the  
2 purposes of subdivision (a).

3 SEC. 2. If Assembly Bill 1241 of the 1997–98 Regular  
4 Session is enacted and becomes effective on or before  
5 January 1, 1999, Sections 8586.2, 8589, and 8589.3 of the  
6 Fish and Game Code shall not become operative.

7 ~~8585) is added to Chapter 2 of Part 3 of Division 6 of the~~  
8 ~~Fish and Game Code, to read:~~

9

10 Article 17.5. ~~Rockfish~~

11

12 ~~8585. This act shall be known and may be cited as the~~  
13 ~~Rockfish Research, Conservation, and Management Act.~~

14 ~~8585.5. The Legislature finds and declares that~~  
15 ~~important commercial and recreational fisheries exist on~~  
16 ~~numerous stocks of rockfish of the Sebastes complex in~~  
17 ~~ocean waters off the California coast, that there is~~  
18 ~~increasing pressure being placed on these fish from~~  
19 ~~recreational and commercial fisheries, including the live~~  
20 ~~fish fishery, that rockfish are slow growing and long lived,~~  
21 ~~and that, if depleted, rockfish populations may take~~  
22 ~~decades to rebuild. The Legislature further finds and~~  
23 ~~declares that, although extensive rockfish research has~~  
24 ~~been conducted by the state and federal government,~~  
25 ~~there are many gaps in information on these stocks and~~  
26 ~~their habitats, there is no program currently for the~~  
27 ~~systematic research, conservation, and management of~~  
28 ~~rockfish stocks and the sustainability of recreational and~~  
29 ~~commercial rockfish fisheries, and a program for the~~  
30 ~~research and conservation of rockfish and their habitat~~  
31 ~~and management of the rockfish fishery is necessary.~~

32 ~~8586. (a) In consultation with the National Marine~~  
33 ~~Fisheries Service, the Pacific Fishery Management~~  
34 ~~Council, and the Rockfish Advisory Committee~~  
35 ~~established pursuant to Section 8587.5, the department~~  
36 ~~shall review all research conducted by the state and~~  
37 ~~federal government of rockfish stocks of the Sebastes~~  
38 ~~complex found off California's ocean shore to determine~~  
39 ~~all of the following:~~

1 ~~(1) The status of existing knowledge of rockfish stocks~~  
2 ~~and their habitats.~~

3 ~~(2) What further information is needed regarding the~~  
4 ~~stocks or specific species of rockfish and their habitats for~~  
5 ~~the purpose of establishing a program for the research~~  
6 ~~and conservation of rockfish.~~

7 ~~(3) The status and trends of the current fisheries~~  
8 ~~engaged in the harvest of rockfish stocks off of California's~~  
9 ~~ocean shore.~~

10 ~~(b) Notwithstanding Section 7550.5 of the~~  
11 ~~Government Code, on or before January 1, 2000, in~~  
12 ~~consultation with the Rockfish Advisory Committee, the~~  
13 ~~department shall prepare and publish its findings and~~  
14 ~~recommendations in a report to the Legislature on all of~~  
15 ~~the following:~~

16 ~~(1) The current status of the knowledge of rockfish~~  
17 ~~stocks and their habitats found off the California ocean~~  
18 ~~shore.~~

19 ~~(2) What additional research or population~~  
20 ~~assessments may be required for the conservation of~~  
21 ~~rockfish.~~

22 ~~(3) What measures, if any, are required to protect~~  
23 ~~rockfish habitats.~~

24 ~~(4) What measures are needed to manage the fishery~~  
25 ~~on rockfish stocks within state waters to assure sustainable~~  
26 ~~commercial and recreational harvests.~~

27 ~~(c) Wherever feasible, the department shall~~  
28 ~~cooperate and coordinate with the National Marine~~  
29 ~~Fisheries Service and the Pacific Fishery Management~~  
30 ~~Council on the research, conservation, and management~~  
31 ~~of rockfish stocks.~~

32 ~~(d) Funding to pay the costs of this section shall be~~  
33 ~~made available from the Rockfish Account created~~  
34 ~~pursuant to subdivision (f) of Section 8587.~~

35 ~~(e) This section shall remain in effect only until~~  
36 ~~January 1, 2001, and as of that date is repealed, unless a~~  
37 ~~later enacted statute, that is enacted before January 1,~~  
38 ~~2001, deletes or extends that date.~~

39 ~~8587. (a) No person who is 16 years of age or more~~  
40 ~~and less than 70 years of age shall take rockfish of the~~

~~1 Sebastes complex for commercial purposes or be on board  
2 a vessel on which rockfish are taken for commercial  
3 purposes while rockfish are being taken or transported  
4 unless that person has a commercial rockfish stamp issued  
5 pursuant to this section affixed to his or her commercial  
6 fishing license issued pursuant to Section 7852.~~

~~7 (b) The department shall issue to any person holding  
8 a commercial fishing license a commercial rockfish stamp  
9 upon application therefor and payment of a fee of  
10 \_\_\_\_\_ dollars (\$\_\_\_\_\_).~~

~~11 (c) Notwithstanding Section 1053, upon application  
12 and payment of an additional fee equal to that prescribed  
13 in subdivision (b), the department may issue an  
14 additional commercial rockfish stamp for a crewmember  
15 to the owner or operator of a vessel who holds a  
16 commercial rockfish stamp.~~

~~17 (d) Notwithstanding subdivision (b), up to 500 pounds  
18 of rockfish per fishing trip may be taken incidentally by  
19 a person who possesses a license to fish in another  
20 commercial fishery without a rockfish stamp.~~

~~21 (e) Notwithstanding \_\_\_\_\_ subdivision \_\_\_\_\_ (b), \_\_\_\_\_ one  
22 crewmember of a vessel for which a commercial rockfish  
23 stamp is issued pursuant to subdivision (c) may be aboard  
24 that vessel and take rockfish for commercial purposes as  
25 a crewmember on that vessel without obtaining a  
26 commercial rockfish stamp under the following  
27 conditions:~~

~~28 (1) The crewmember is designated as prescribed by  
29 the department by name and commercial fishing license  
30 number on a form furnished by the department before  
31 rockfish are taken on the vessel when that crewmember  
32 is aboard.~~

~~33 (2) The crewmember has a valid commercial fishing  
34 license issued under Section 7852.~~

~~35 (3) The commercial rockfish stamp for the  
36 crewmember is affixed to the form prescribed in  
37 paragraph (1) on which the vessel registration number of  
38 the vessel is entered and on which the crewmember who  
39 is exempted by this subdivision is designated by the last  
40 entered name and commercial fishing license number.~~



~~(f) After deducting the administrative costs for issuing the commercial rockfish stamps, the department shall deposit the fees received pursuant to subdivision (b) and the supplemental landing taxes collected pursuant to Section 8587.6 in the Rockfish Account, which is hereby created in the Fish and Game Preservation Fund. The funds in the Rockfish Account shall be available for expenditure by the department, upon appropriation by the Legislature, for the purposes of this article.~~

~~8587.5. (a) The director shall appoint a Rockfish Advisory Committee consisting of six members, as follows:~~

~~(1) One member chosen from persons issued a commercial fishing license pursuant to Section 7852 who is engaged in the commercial longline fishery for rockfish.~~

~~(2) One member chosen from persons issued a commercial fishing license pursuant to Section 7852 who is engaged in the commercial live rockfish fishery.~~

~~(3) One member chosen from persons issued a commercial fishing license pursuant to Section 7852 who is engaged in the commercial net fishery for rockfish.~~

~~(4) One member who is from California who is a member of the Pacific Fishery Management Council, if permitted by federal law.~~

~~(5) One member chosen from persons who have been issued a commercial fish business license pursuant to Section 8032 or a fish receiver's license pursuant to Section 8033 who is engaged in the rockfish fishery.~~

~~(6) One member chosen from persons issued a commercial fishing license who is engaged in the commercial hook and line fishery.~~

~~(b) The Rockfish Advisory Committee shall do all of the following:~~

~~(1) Review with the department the current status of knowledge of rockfish and their habitats.~~

~~(2) Consult with and assist the department in its report to the Legislature required pursuant to Section 8586.~~

~~(3) Review all department and privately submitted project or program proposals for rockfish research, protection, fishery management, habitat restoration, and~~

~~education pertaining to rockfish proposed for funding from the Rockfish Account and recommend to the department those projects or programs to be funded.~~

~~(c) The term of appointment of members to the Rockfish Advisory Committee shall be two years. The advisory committee members shall serve without compensation, but the department shall pay the necessary and proper expenses, if any, of the members of the committee incurred in the performance of official duties from the Rockfish Account.~~

~~(d) The department shall adopt regulations necessary to carry out this section.~~

~~(e) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.~~

~~8587.6. A supplemental landing tax on all rockfish landed in this state in an amount equal to the rate of the landing tax for rockfish established pursuant to Section 8051 shall be paid in addition to that landing tax by each person who is licensed pursuant to Section 8032 or 8033 who purchases rockfish from persons licensed pursuant to Section 7852 and shall be remitted at the same time the reports and payment of landing taxes are due. The supplemental landing tax shall be deposited into the Rockfish Account created by subdivision (f) of Section 8587.~~

~~8589. This article shall become operative on April 1, 1998.~~

~~SEC. 2.~~

~~SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

1     Notwithstanding Section 17580 of the Government  
2     Code, unless otherwise specified, the provisions of this act  
3     shall become operative on the same date that the act  
4     takes effect pursuant to the California Constitution.

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